

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.A.No.261 of 2021

Arivalagan

... Appellant/Accused No.4

Vs.

State By:

1.The Inspector of Police,
Perambalur Police Station, Perambalur District.
Crime No.363 of 2021.

2.K.Karthikeyan
13th Ward, Ambethkar Street,
Sangupettai,
Perambalur Tk & District. ... Respondent/De-facto Complainant

PRAYER: Criminal Appeal has been filed under Section 14 A (2) of SC/ST (PoA) Act, 2015 prayed to set aside the order passed by the learned Special Court for SC/ST (PoA) Act, Perambalur in E.Bail.No.370 of 2021 dated 03.05.2021 and enlarge the appellant on bail in Crime No.363 of 2021 on the file of the respondent police.

For Appellant : Mr.S.Sathia Chandran

For Respondents : Mr.Rajthilak
Government Advocate (Crl side)

ORDER

(The case has been heard through video conference)

The appellant who was arrested on 25.03.2021 and remanded to judicial custody for the offences under Sections 147, 148, 294(b), 324, 307, 302 of I.P.C and 3(1)(r), 3(1)(s), 3(2)(Va) of SC/ST (PoA) Amendment Act, 2015 in Cr.No.363 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 25.03.2021 at 06.30 p.m., due to previous enmity, the petitioner attacked the defacto complainant with deadly weapons and caused grievous injuries and when he was taken to Government Hospital, Perambalur, he was declared brought dead. Hence, the complaint.

3. The learned counsel appearing for the appellant submitted that the appellant himself is a member of Scheduled Caste. He had filed a copy of the Transfer Certificate from his school as proof of the same. Further, he submitted that as per the F.I.R no specific overtacts against him. Even though there is a word by mentioning that the Ramaraj, Siva and his relative Arivalagan and Shanmugam jointly having knives in their hands attacked the deceased. The learned counsel appearing for the appellant relies on the particular word no specific overtacts.

4. The learned Government Advocate (Crl.Side) vehemently objects to release the appellant herein on bail stating that the accused caused greivous injuries with deadly weapons due to which, the deceased succumbed to death and he also submitted that the A1 to A3 had been detained under the Goondas Act.

5. Considering the submissions made by the learned counsel for the appellant and also the fact that he had been incarcerated from 26.03.2021 and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the appellant subject to the following conditions:

(a) the appellant shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Central Prison, Trichy, in which the appellant is confined and on such execution the appellant shall be released from prison;

(b) (i) After the lockdown restrictions are raised and normal time is restored, the restrictions are totally raised, the appellant shall execute a own bond for sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum amount each to the satisfaction of the learned Special Court for SC/ST (PoA) Act, Perambalur, failing which, the petition for bail granted by this Court shall stand dismissed. The same shall be executed within a period of one month from the date the lockdown restrictions are raised.

(ii) If for any reason, the appellant is not able to execute bond within the specified time, the appellant shall approach this Court and file a petition seeking extension of time for the same.

(iii) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Votor ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Special Court for SC/ST (PoA) Act, Perambalur.

(c) After the lockdown restrictions are raised, normal time is restored, the appellant shall abide by the following conditions imposed by this Court. He/she shall not interfere, influence or cause hindrance to the pending investigation.

(d) the appellant shall report before the respondent police daily at 10.30 a.m., until further orders.

(e) the appellant shall not influence, threaten or coerce the evidence or witness either during investigation or trial;

(f) the appellant shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
27/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

WEB COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL COURT FOR SC/ST
(PoA) ACT, PERAMBALUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION,
PERAMBALUR DISTRICT.

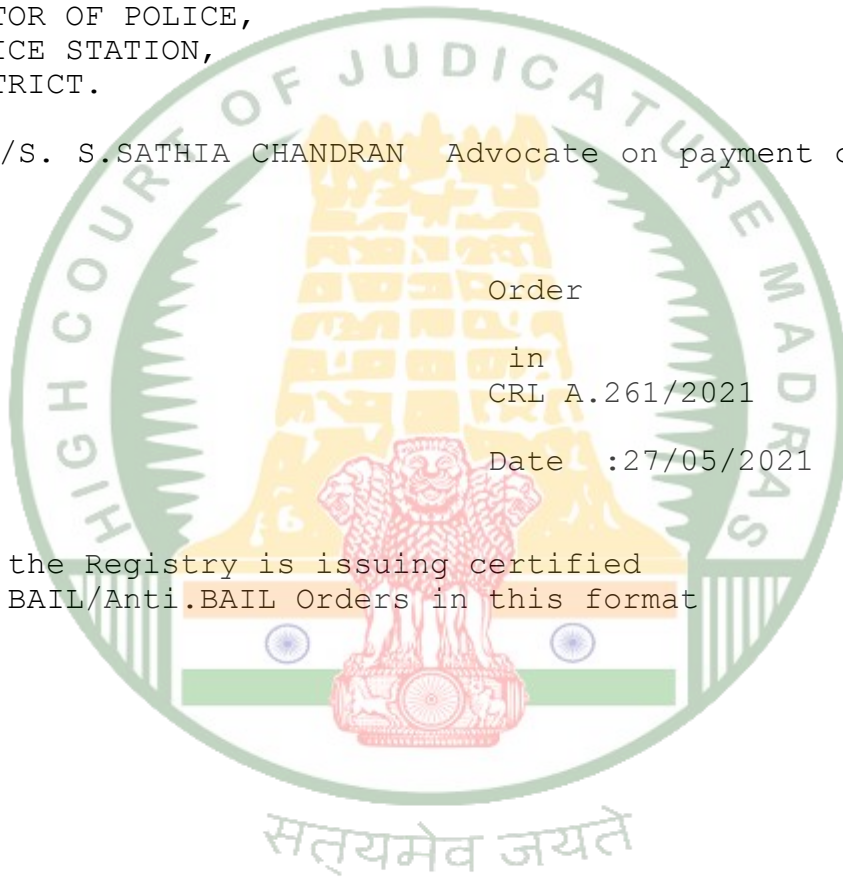
C.C. to M/S. S.SATHIA CHANDRAN Advocate on payment of necessary
charges

Order

in
CRL A.261/2021

Date :27/05/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
cs 28/05/2021



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